

APPEAL NO. 010700

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 6, 2001. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and because the claimant did not sustain a compensable injury, he did not have disability.

The claimant has appealed on sufficiency grounds. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant contends that he was hit on the inside of his leg by a handrail while performing a demolition job for his employer on _____. The claimant testified that he continued working until November 12, 1999, and that the pain in his leg grew progressively worse. The claimant left work early on November 12, 1999, without telling his supervisor that the cause of his pain, and the need to leave work early, was due to a work-related injury. The claimant sought medical treatment on November 13, 1999, and was hospitalized. No one, including the doctors, knew exactly what was causing the claimant's leg problems. The claimant returned to work on November 24, 1999.

The hearing officer determined that the evidence was insufficient to prove that the claimant sustained a compensable injury on _____. The medical evidence as to causation of the claimant's injury was conflicting. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)), and determines what facts have been established from the conflicting evidence. St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). As an appellate-reviewing tribunal, the Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge